

REMARKS

Claims 1, 2 and 4-41 are pending. By this Response, claims 1, 8, 9, 28 and 29 are amended. Reconsideration and allowance based on the above-amendment and following remarks are respectfully requested.

Applicants appreciate the allowance of claims 22-27 and 30-41. Also, applicants appreciate the indication of allowable subject matter in claims 8, 9, 28 and 29.

Finality of Office Action Must be Withdrawn

According to §706.07(a) the finality of an Office Action is improper “where the Examiner introduces a new ground of rejection that is not necessitated by applicant’s amendment of the claims nor based on information submitted in an Information Disclosure Statement.” Applicants respectfully submit that the rejection of claims 8, 9, 28 and 29 under 35 U.S.C. §112, second paragraph beginning on page 2 of the Office Action is a new ground of rejection that was not necessitated by an Amendment to claims 8, 9, 28 and 29 or other claims and is not based on information submitted in an Information disclosure Statement. Applicants note that claims 8, 9, 28 and 29 were not amended in the last Response and an Information Disclosure Statement was not filed. Thus, the finality of the Office Action must be withdrawn based on the presentment of this new ground of rejection in the Office Action.

§112, First Paragraph Rejection

The Office Action rejects claims 7 under 35 U.S.C. 112, first paragraph as failing to comply with the written description requirement. This rejection is respectfully traversed.

Specifically, the Office action alleges that claim 7 introduces new matter while the amendment to the claim to recite “to remotely control the operation of said flying objection.” The Office Action considers the term “remotely” as constituting the new matter.

Applicants respectfully submit that the term “remotely controlled” is not new matter. For example, the last paragraph of page 14 discloses “a control signal may be transmitted from the base station 3 to the flying object 2 over the communication line 4 to operate the flying object 2.” Webster’s Dictionary defines “remote control” as “the control of an activity or a machine from a distance, as by radioed instructions or control signals.” As disclosed in the specification, the flying object 2 and base station 3 are located a great distance from each other. A control signal is transmitted from the base station 2 to the flying object over communication line 4. The control signal is sent to operate the flying object. Thus, although the term “remotely control” is not expressly disclosed in the specification, the meaning of the term is expressly disclosed and thus using the term “remotely controlled” is proper to represent the expressed meaning in the specification and cannot be considered new matter.

Thus, the description provides a clear understanding of the terminology used in the claims, which is a criteria for determining whether new matter is disclosed in the claims or not. As such, the term “remotely controlled” cannot be considered as new matter. Therefore, withdrawal of the rejection is respectfully requested.

§112, Second Paragraph Rejection

The Office Action rejects claims 8, 9, 28 and 29 under 35 U.S.C. §112, second paragraph as being indefinite. Specifically, the Examiner alleges that the recitation of “the system being provided on each of a plurality of different stars” in the claims is unclear and based on the disclosure. In response, applicants have amended the claims to clarify the features recited in therein. Accordingly, withdrawal of the rejection is respectfully requested.

Prior Art Rejections

The Office Action rejects claims 1, 2, 4-7, 10-16, 19 and 20 under 35 U.S.C. §102(e) as being anticipated by Zheng, et al. (US 6,184,816) and claims 17 and 18 under 35 U.S.C. §103(a) as being unpatentable over Zheng in view of Small, et al. (US 5,093,563) and claim 21 under 35 U.S.C. §103(a) as being unpatentable over Zheng in view of De Groot, et al. (US 6,327,039). These rejections are respectfully traversed.

Claim 1

Claims 1 recites, inter alia, said base station has a memory for storing data sets comprising all observation data obtained by said flying object in the past through observation by said meteorological observation means; records of courses of action taken by said flying object on the basis of the observation data; and records of events encountered by said flying object as a result of the records of the courses of action, wherein the course of action taken by said flying object is determined based on a prediction result, the prediction result being based on the observation data obtained, the records of courses of action taken by said flying object and by prior flying objects encountering the same observation data, and the records of events encountered which are stored as data sets in the memory of the base station.

As recited in claim 1, a course of action is determined based on observation data obtained by the flying object, records of course of action taken by the same flying object, records of events encountered by that same flying object based on the courses of action and also courses of action taken by other flying objects encountering the same observation data. Thus, when the flying object obtains particular observation data, it can determine a course of action based on data it obtained from similar or same observation data it has encountered previously as well as by other flying objects encountering the same observation data. This allows the flying object to determine the best

course of action based on various results when data it has recorded for similar events.

In contrast, Zheng teaches the uploading of information to airplanes to determine weather conditions or CAT's (clear air turbulence). The system of Zheng obtains information about particular weather patterns, positions, winds, temperatures, etc. from various data sources. This includes satellite links, weather balloons, other aircraft, etc. See column 16, lines 3-20. This data is used in providing possible weather scenarios for particular aircraft within a particular region. Particularly, the information is used to determine CAT's.

This information is obtained based on collected data from various sources. It is not obtained based on a flying objects course of action taken for particular observation data and recorded events by the flying object as a result of that particular course of action taken, as recited in claim 1. Further, Zheng does not teach determining a prediction result based on courses of action and events encountered during course of actions by the flying object. Zheng teaches determining a possible weather scenario based upon current atmospheric data obtained for a local area and not based on what action a flying object has taken for a particular meteorological observation and events recorded when that flying object take that course of action. In fact nowhere in Zheng does it teach a flying object that records atmospheric data also recording a course of action based on observed data from the course of action taken. The

aircraft in Zheng only collects the atmospheric data and sends that data to a particular ground station for determining a possible weather prediction.

Thus, Zheng fails to teach each and every feature of claim 1 as required. According, reconsideration and withdrawal of the rejection are respectfully requested.

Claim 7

Claim 7 recites, *inter alia*, a base station capable of storing information provided as common information for navigation of at least one flying object, said base station transmitting to said flying object necessary data from said information for determining a course of action to be taken by said flying object...wherein said base station transmits a signal for operating said flying object to remotely control the operation of said flying object based on the determined course of action.

The Examiner has asserted that the term “remotely” is new matter. As argued above, applicants respectfully that the term “remotely” is not new matter and should be considered as part of the claim language. Thus, applicants respectfully submit that Zheng fails to teach the feature of remotely controlling the actions of the flying object based on the determined course of action. The Examiner cites column 16, lines 30+ as disclosing the control operation of the flying object based on a determined course of action. First, Zheng does not teach a determination of a course of action by a navigation

system. Zheng teaches providing information to an aircraft in the processing of the information to determine whether a particular a weather situation may occur. Once this information is processed, the pilot determines the course of action. See column 6, lines 17-20 and 24-26.

Second, column 16, lines 30+ disclose the use of weather products, the uplink of the weather products to an aircraft, the conversion to the weather products depictions and the display of the visual depiction in the aircraft. Nowhere does Zheng teach or suggest remotely controlling the operation of the flying object based on the determined course of action as claimed.

In view of the above, applicants respectfully submit that Zheng fails tot each and every feature of the claim 7 as required. Accordingly, reconsideration and withdrawal of the rejection in regard to claim 7 is respectfully requested.

Conclusion

For at least the above reasons, it is respectfully submitted that claims 1, 2, 4-21 are distinguishable over the cited art. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings (Reg. No. 48,917) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee of \$120.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Michael R. Cammarata, #39,491

MRC/CJB:cb
0054-0237P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000